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| 10/048,043 | 05/14/2002 | Heiko Faubel | 13470.1614USWO | 1175 |
| 23552 | 7590 | 03/26/2004 | EXAMINER | |
| MERCHANT & GOULD PC | | | DOUYON, LORNA M | |
| P.O. BOX 2903 | | | ART UNIT | |
| MINNEAPOLIS, MN 55402-0903 | | | PAPER NUMBER | |

1751

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,043

Applicant(s)

FAUBEL ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/24/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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Claim Objections

1. Claim 1 is objected to because of the following informalities: in lines 8 and 13, "i.e." should be spelled out. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 3, 6-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite because the Markush language is improper. The phrase "selected from the group consisting of" should be followed by "and". See MPEP 2173.05(h)(I). In addition, "preferably" in line 2 should be deleted. Also, it is suggested that the phrase "the ingredients typical of surface cleaners" be replaced with "surface cleaner ingredients".

Claim 6 is indefinite because it is not clear whether "preferably" in line 2 is necessary because there is no previous mention of any "volume". It is suggested that said term be deleted.

Claim 9 lacks antecedent basis for "the container" (second line from last) in the claim. Claims 10-11 being dependent upon claim 9 are rejected as well.

Claims 7, 8, 12 and 13 provide for the use of the shaped cleaning bodies, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

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Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 7, 8, 12 and 13 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamm (US Patent No. 5,885,949).

Stamm teaches a tableted household cleaning composition for cleaning glass and other hard surfaces which comprises an acidic component like carboxylic acids, a basic component like alkali metal carbonates and polyvinyl alcohol (see abstract). The tableted household cleaner can be made by first blending sodium lauryl sulfate and carbonate, mixing with the acid and polyvinyl alcohol to form a free-flowing powder that is pressed into tablet form (see col. 5, lines 5-35). The tablet may have any suitable size according to manufacturing and consumer preferences, for example, the tablet weighs up to about 5 grams when used for cleaning windows and glass and up to about 30 grams when used for cleaning other hard surfaces (see col. 5, lines 36-42). To use as a glass gleaner, one tablet is placed in a suitable amount of water, generally about 500 milliliters and the resulting solution can be sprayed onto the surface to be cleaned using a spray bottle (see col. 5, lines 43-51). To clean hard surfaces other than glass, one tablet may be dissolved in about 500 milliliters of water (see col. 5, lines 53-61). Stamm, however, fails to disclose a tablet having a water soluble shell surrounding a solid cleaner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the polyvinyl alcohol of Stamm to provide as a water soluble shell surrounding the acid and basic components because Stamm teaches that these ingredients

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are thoroughly mixed which would have caused the polyvinyl alcohol to surround the other ingredients.

8. Claims 1-6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gladfelter et al. (US Patent No. 5,234,615).

Gladfelter teaches a water soluble bag comprising a polyvinyl alcohol film containing pelletized hard surface cleaner comprising soda ash and anionic surfactant wherein the water soluble bag containing the pellets is contacted with water to form a solution and the solution is transferred to a 30 gallon tank containing 25 gallons of fresh water (see col. 30, lines 35-60). Gladfelter, however, fails to disclose a container having the recited holding capacity of 0.3 to 10 liters.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the size of the container in Gladfelter because a change in size of an article was held to be obvious, see *In re Rose*, 105 USPQ 237 (CCPA 195).

Conclusion

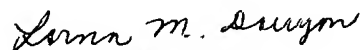
9. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lorna M. Douyon
Primary Examiner
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